

United States Department of Agriculture Rural Development Oregon State Office

May 10, 2005

SUBJECT: Communicating with Limited English Proficient (LEP) Customers

TO: All Employees

USDA - Rural Development

Oregon

PURPOSE/INTENDED OUTCOME:

The purpose of this Administrative Notice (AN) is to create an Oregon State policy to ensure meaningful access to federally conducted programs and activities by persons with limited English proficiency (LEP).

COMPARISON WITH PREVIOUS AN:

No previous AN has been issued on this subject.

IMPLEMENTATION RESPONSIBILITIES:

Pursuant to Executive Order 13166 and Department of Justice Policy Guidance (65 FR 50123) of August 11, 2000, Federal agencies are required to publish guidance on how their recipients can provide access to LEP persons and improve the language accessibility of their own programs. It also directed federal agencies to break down language barriers by implementing consistent standards of language assistance across federal agencies and amongst all recipients of federal financial assistance. This AN serves as an interim plan to ensure that LEP persons can have meaningful access to Rural Development (RD) programs and activities without unduly burdening the fundamental mission of the agency. This AN will implement a data collection system to track and monitor the number of LEP persons encountering RD programs and activities. It will also monitor whether LEP customers encounter any service delays in the delivery of federally conducted programs and activities.

EXPIRATION DATE: FILING INSTRUCTIONS
May 31, 2006 Preceding RD Instruction 1901-E

1201 NE Lloyd Blvd., Suite 801 Portland, OR 97232-1274 PH - (503) 414-3300 • FAX (503) 414-3385 • TTY (503) 414-3387 http://www.rurdev.usda.gov/or/

RD's plan is consistent with the standards set forth in the DOJ Policy Guidance as well as USDA Departmental Regulation 4360-3 (1/14/98) and USDA RD Procedure Notice (6/14/00).

Most people who access RD services read, write, and speak English; however, there are customers for whom English is not a primary language. Limited English Proficient customers are those individuals who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English. Failure to assure meaningful access to federally conducted programs and activities may constitute national origin discrimination because language often serves as an identifier of national origin. Failure to address language barriers may deny LEP customers access to benefits and services for which they qualify.

To the maximum extent possible, programs are authorized and encouraged to utilize competent interpretation services provided free of charge by community based organizations or volunteers, e.g., Self-Help Grantees, Housing Authorities, Real Estate Agents. Programs should utilize RD forms and guide letters already translated. RD has forms in Spanish on its web site at http://rdinit.usda.gov/regs/formstoc.html. Written materials can be translated on a case by case basis and must be attached to the procurement request.

GSA has a contract with Language Services Associates. This interpretation service is available by telephone 24 hours a day, 7 days per week. The cost is \$2.00 per minute. Service may be requested in advance (for example, if an appointment is set up) or services may be obtained immediately upon contacting them. Language Services Associates can be reached by dialing 1-800-305-9673. Services may also include the translation of written materials when appropriate.

To request funds to use this service, individual offices or program areas are responsible for submitting an AD-700 to the Program Loan Cost Coordinator, Barb Brandon. An AD-700 will be used for each service requested. The Program Authority Code (PAC) must be identified on your AD-700, i.e., loan making (S1E9) and loan servicing (S2E9). Provide an accurate description (i.e.) short phone interpretation, one page letter translation, etc. If applicable, attach a copy of the letter being translated.

All invoices must be submitted to the State Office, Attn: Contracting, along with a signed 838-B with a copy of the AD-700. All invoices should provide a detail of the services provided.

Please make note, the AD-700 and 838-B will be replaced when the Integrated Acquisition System (IAS) is implemented.

Staff utilizing Language Services Associates will document their usage. Documentation will include the date of usage, the translator, the length of time the services was used, and whether the service was for loan making or loan servicing. Staff will email the information to the State Civil Rights Manager within 5 working days after the service was utilized. A tracking sheet is attached as Attachment A. Include LEP client complaints of delays or other servicing problems related to language barriers. Update Attachment A (LEP) Tracking Report, and forward a copy to the State Civil Rights Manager (SCRM).

LEP persons should be advised that either they may choose to secure the assistance of an interpreter of their own choosing, at their own expense; or RD can provide a competent interpreter through Language Services Associates. If the LEP person decides to bring or provide his/her own interpreter, the provision of the notice of the availability of Language Services Associates and the LEP person's election should be documented on all records generated with respect to the LEP person.

Programs are prohibited from using children to interpret legal or programmatic information. Children do not have the capacity to interpret complicated materials and should be used only for limited purposes, e.g., to set up an appointment.

If you have any questions, please contact Nancy Larson at (503) 414-3304.

Acting State Director

Attachment

Attachment A LEP Tracking

Date of	Program	Primary	How Language Needs	Note Any Servicing Problems
Contact		Language	Were Met	
Submitted by (typed or printed name and title):				
Office Location:				
Date:				
Date:				<u> </u>